

Notice of Allowability	Application No.	Applicant(s)	
	09/627,662	LIGHTSTONE ET AL.	
	Examiner	Art Unit	
	Anh Ly	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/29/2004.
2. ☒ The allowed claim(s) is/are 27-65 (renumbered as 1-39).
3. ☒ The drawings filed on 05/25/2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |


JEAN M. CORRIELLUS
 PRIMARY EXAMINER

DETAILED ACTION

1. This Office action is response to applicants' Appeal Brief filed on 11//29/2004.
2. Claims 27-65 are allowed.

Allowable Subject Matter

3. The present application has been thoroughly reviewed. Upon searching a variety of databases, the examiner respectfully submits that claims 27-65 are allowed in light of the applicant's argument and in light of the prior of made record.

Reason For Allowance

4. The following is an examiner's Statement of Reasons for Allowance:

The present invention is directed to a method, a system and a program for updating an index on a database table when data is added to the table, where the received data records are loaded into it. One of a first operation and a second operation is selected. The first operation incrementally updates the index on the table as each received data record is added to the table, the second operation rebuilds the index from the table after all the received data records have been added to the table.

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The applicants argued that, "neither the cited Ponnekanti nor the cited Watkins teach or suggest the claim requirements of selecting one of a first operation and a second operation and using the first operation to incrementally update the index and using the second operation to rebuild the index." (Page 9 of Appeal Brief, lines 11-14).

The closest prior art, Ponnekanti of 6,591,269 teaches rebuilding an index, where the index is stored as B+ Tree data structure (col. 7, lines 50-62, col. 16, lines 1-67 and col. 18, lines 20-67). And Watkins et al. (hereinafter Watkins) of 6,457,017 teaches incrementally indexing managed files of a document management system and a bulk file creator that allows incrementing indexing (abstract, fig. 2, item 2 and 58, col. 1, lines 58-63, col. 3, lines 8-26 and col. 5, lines 10-38).

In combination, Ponnekanti and Watkins fail to teach selecting one of a first operation and second operation, wherein the first operation incrementally updates the index on the table as each received data record is added to the table and the second operation rebuilds the index from the table after all the received data records have been added to the table.

These distinct features, in conjunction with all other limitations of the dependents and independent claims renders claims 27-65 renders them allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh Ly whose telephone number is (571) 272-4039 or via E-Mail: ANH.LY@USPTO.GOV or fax to (571) 273-4039. The examiner can normally be reached on TUESDAY – THURSDAY from 8:30 AM – 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene, can be reached on (571) 272-4107 or Primary Examiner Jean Corrielus (571) 272-4032.


Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: Central Fax Center (703) 872-9306


JEAN M. CORRIELUS
PRIMARY EXAMINER

ANH LY 
DEC. 17th, 2004